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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

EMC-03-098CIP1

First Inventor

Dennis Duprey, et al

Title

System and Method for ...

Express Mail Label No.

EK900600273US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification Copy [Total Page 32]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 19]
5. Oath or Declaration [Total Pages]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)
of prior application No.: 10, 652,967

Prior application information:

Examiner:

Group Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or

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Correspondence address below

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36,634

Signature

Robert Kevin Perkins

Date

Dec-5c 19, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Dennis Duprey, et al **GROUP ART UNIT:** Not Yet Assigned
U.S.S.N.: Not Yet Assigned **EXAMINER:** Not Yet Assigned
FILING DATE: Not Yet Assigned
TITLE: System And Method For Performing A Full Copy In A Data Storage Environment Having A Capability For Performing An Incremental Copy

Certificate of Express Mailing Under 37 C.F.R. §1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service, using "Express Mail Post Office to Addressee" service of the U.S. Postal Service, with sufficient postage as Express Mail (Express Mail Label No. EK900600287US) in an envelope addressed to: Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: December 19, 2003

By: Sandra A. Kulaga

Print Name: Sandra A. Kulaga

UTILITY PATENT APPLICATION TRANSMITTAL

Mail Stop: Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is a patent application entitled:

**SYSTEM AND METHOD FOR PERFORMING A FULL COPY IN A
DATA STORAGE ENVIRONMENT HAVING A CAPABILITY FOR
PERFORMING AN INCREMENTAL COPY**

-2-

This application is a Continuation in Part of U.S. Application Serial No. 10/652,967, filed on August 29, 2003.

Named Inventor(s) / Inventor Address(es) / Inventor Citizenship(s):

Inventor's Name:	Dennis Duprey
Residence:	100 Tidbury Court, Raleigh, NC 27615
Citizenship:	USA

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Inventor's Name:	Paul T. McGrath
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Citizenship:	USA

Inventor's Name:	David Haase
Residence:	904 Cedar Point Ct., Fuquay Varina, NC 27526
Citizenship:	USA

Enclosed is/are:

- [x] Transmittal Letter (this form, 3 Pages, IN DUPLICATE) Total Pages 6;
- [x] Utility Patent Application Specification including Title of the Invention, Background of the Invention, Summary of the Invention, Brief Description of the Drawings, Detailed Description, 17 Claims (3 Independent, 14 dependent), Abstract of the Disclosure, Total Pages: 38;
- [x] Drawings: [x] Formal, [] Informal (Figs: 1-19), Total Sheets: 19;
- [x] Return Receipt Postage Pre-paid Postcard;
- [x] Nonpublication Request Under 35 U.S.C. 122(b)((2)(B)(i), Total Sheets 1;
- [x] Authorization to charge deposit account, with fee amounts calculated as follows:

-3-

CLAIMS	Number Filed	Number Extra	Rate	Calculations
Total Claims	<u>17</u> - 20 =	—	x \$18	0.00
Independent Claims	<u>3</u> - 3 =	—	x \$80	0.00
Multiple Independent Claims			+ 270 =	0.00
BASIC FILING FEE =				770.00
Total of Above Calculations =				770.00
Assignment Recordation Fee =				0.00
TOTAL FEE FOR THIS PATENT APPLICATION =				<u>\$770.00</u>

Please direct all telephone calls and address all correspondence to:

Robert Kevin Perkins, Esq. (Reg. No. 36,634)
EMC Corporation
Office of the General Counsel
176 South Street
Hopkinton, MA 01748
United States of America
Telephone: (508) 435-293-6985
Facsimile: (508) 293-7189

Please charge any fees associated with this transaction to Deposit Account No. 05-0889.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 293-6985, in Hopkinton, Massachusetts.

Respectfully submitted,

Dated: December 19, 2003

By: Robert Kevin Perkins
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**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

Dennis Duprey, et al

Title

**System and Method For Performing A
Full Copy in a Data Storage ...**

Attorney Docket Number

EMC-03-098CIP

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 19, 2003

Date

Robert Kevin Perkins

Signature

(508) 293-6985

Telephone number

Robert Kevin Perkins (Reg. No. 36,634)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.